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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven M. Stefanik

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BERRY & ASSOCIATES P.C.
9229 SUNSET BOULEVARD
SUITE 630
LOS ANGELES, CA 90069

EXAMINER

ZHEN, LI B

ART UNIT

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2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/058,173	Applicant(s) STEFANIK ET AL.	
	Examiner LI B. ZHEN	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-49,51,54-58,61,70-73 and 76-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-49,51,54-58,61,70-73 and 76-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are pending in the application.

Response to Arguments

2. Applicant's arguments filed 8/21/2009 have been fully considered but they are not persuasive. In response to the last office action, applicant argues:

(1) Chang does not disclose "demarking files on a first portable computer system by a first user, the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user, wherein the files are executable files." If the demarked files of the first element of the present claims are to be interpreted as the database, then the database must be the files referred to throughout the claim.

(2) Chang discloses a method wherein one device automatically detects the parameters of another device so that proper configuration files and software drivers may be transferred. A user does not choose any driver or application files to transfer. Rather the process happens without user involvement.

(3) Chang does not teach transmitting metadata about the content between two portable computers.

(4) Keskar disclose a process of a user selecting applications to allow for transfer, only initiating "beaming" of a file. Moreover, nowhere does Keskar disclose

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transferring summary information to the second device before actually downloading any demarked files as claimed. Keskar clearly states that an intent to share an item along with a User ID is beamed to another device. Furthermore, other information that is beamed describes the interests of users or the location of a sharable item located on a separate server or computer. A second user certainly is not selecting a subset of the demarked files as claimed.

3. As to arguments (1) and (2), examiner respectfully disagrees and notes that the database in Chang includes at least one wireless communication protocol, at least one driver and at least one application program [paragraph 0020]. The driver and application program in the database are executable files. In step 81, the user sets that the database 12 needs to be transferred [paragraph 0075] and in step 83, the contents of the database 12 are sent [paragraph 0077]. When the user sets the database for transfer, the executable files in the database are demarked for transfer. The contents of the database 12, which includes executable files driver and application program are selected in step 81 and transferred in step 83.

4. As to argument (3), examiner respectfully disagrees because Chang teaches storing functional information and installing information of the application program [paragraph 0020] and the information is transmitted when the contents of the database are transmitted [paragraph 0075 and 0077].

5. As to argument (4), Keskar teaches in block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s). In order for user to tell the handheld sharing application (HSA) what to send, the user would have to identify which relevant items that they want to share [“interface portion 120 also allows user A to select items and make them shareable with others from the handheld device 200a”; col. 4, lines 31 – 39 of Keskar]. Therefore, Keskar teaches demarking files by a first user for downloading by a second user.

In block P720 of Keskar, the sender's HSA beams the intent to share the relevant item along with the sender's user identification information, e.g., sender's UserID. The intent to share the relevant item along with the sender's user identification information corresponds to the claimed summary information. Examiner notes that the intent to share and the sender's user identification does not include the actual shareable item because the shareable item is subsequently beamed to the recipient after further determination [In block P750, if it is determined that the sender has similar interests as the recipient, the handheld device of the recipient accepts the beamed relevant item, which may, for example, be already stored in a buffer area of the handheld device or subsequently beamed to the recipient; col. 13, lines 43 – 54, emphasis added].

Keskar also teaches a second user selecting a subset of the demarked files because Keskar can prompt the recipient for guidance, allowing the recipient to have the option to manually reject an item or accept an item [col. 13, lines 20 – 55]. Examiner notes that in block P710, the sender selects relevant item(s) to send. When the recipient determines to reject or accept each of the item separately, the recipient

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(second user) is selecting a subset of the demarked files (relevant items the sender selected).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 46-49, 51, 54-58, 61, 70-73 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 20030078036 to Chang et al. [hereinafter Chang] in view of U.S. Patent No. 6,832,242 to Keskar et al. [hereinafter Keskar, previously cited].**

8. As to claim 46, Chang teaches a method of distributing software [paragraph 0009] between portable computer systems [a master device and a remote wireless device; paragraphs 0009 and 0019], the method comprising:

demarking files on a first portable computer system by a first user [user setting that the database 12 of the remote wireless device 200 needs to be transferred; paragraphs 0075 and 0020], the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user [paragraph 0059], wherein the files are executable files [database 12 stores at least one

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wireless communication protocol, at least one driver and at least one application program; paragraph 0020];

automatically transferring the demarked files, from the first portable computer system to the second portable computer system [driver and the application programs stored in the remote wireless device 200 can be automatically transmitted to the master device 100; paragraph 0047] when the first portable computer system and the second portable computer system are within a communication range according to a communication protocol [automatic detection of wireless communication protocols; paragraphs 0089 and 0031].

Although Chang teaches transferring metadata about the content [database 12 can be used to store functional information, installing information of the application program; paragraphs 0020 and 0077] between two portable computers [paragraphs 0009 and 0019], Chang does not specifically teach the metadata including summary information with respect to the demarked files, the summary information consisting of descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files.

However, Keskar teaches sharing items between handheld devices [col. 3, line 63 – col. 4, line 17], the sharable items including game applications, system applications and utility applications [col. 1, lines 30 – 43], demarking files on a first portable computer system by a first user [block P710, the sender, or the person wishing to share a relevant item(s), uses the HSA UI to initiate the sending of the relevant item(s); col. 13, lines 20 – 55], the demarking indicating that the demarked files are available for downloading by

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a second portable computer system by a second user [block P720, the sender's HSA beams the intent to share the relevant item along with the sender's user identification information; col. 13, lines 20 – 55], automatically transferring the summary information, from the first portable computer system to the second portable computer system [block P720, Fig. 7; col. 13, lines 20 – 55] the summary information consisting of descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files [sharable note may, for example, include information pertaining to the descriptions and locations of the sharable item; col. 13, line 55 – col. 14, line 13];

displaying at least a portion of the transferred summary information at the second portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67], at least a subset of the demarked tiles from the displayed portion of the transferred summary information at the second portable computer system [allowing the recipient to have the option to manually reject the item or accept the item; col. 13, lines 50 – 55];

receiving, at the second portable computer system, a download of the selected ones of the demarked files from the first portable computer system in response to the selecting via the user interface at the second portable computer system [col. 13, lines 50 – 55]; and

wherein at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [col. 1, lines 30 – 43].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Chang to include the features of Keskar.

One of ordinary skill in the art would have been motivated to make the combination because this gives the recipient an opportunity to determine whether they want to accept the sharable item prior to the transferring of the shareable item. This reduces the amount of data transferred if the recipient refuses the sharable item.

9. As to claim 55, Chang as modified teaches a portable computer system [paragraphs 0009 and 0019 of Chang] comprising:

- a bus [col. 2, lines 57 – 67 of Keskar];

- a processor coupled to the bus [col. 2, lines 57 – 67 of Keskar];

- a wireless transceiver coupled to the bus for transferring information to other computer systems [paragraph 0019 of Chang]; and

- a memory coupled to the bus [paragraph 0020 of Chang], wherein the handheld computer system [paragraphs 0019 and 0020 of Chang] is configured to:

- store demarked files, the demarked files being demarked by a first user [paragraphs 0075 and 0020 of Chang] and being available for downloading to a second portable computer system by a second user [col. 13, lines 20 – 55 of Keskar], and

- automatically transfer [paragraph 0047 of Chang], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range [paragraphs 0089 and 0031 of Chang] of the portable computer system according to a communication protocol [col. 12, lines 6 – 25 of Keskar], said summary information consisting of descriptive information associated with said

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demarked files the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar];

wherein at least one of the handheld computer system and a third computer system is configured to download selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [paragraphs 0089 and 0031 of Chang and col. 13, lines 40 – 55 of Keskar]; and

wherein at least some of the selected ones of the demarked files are executable files [database 12 stores at least one wireless communication protocol, at least one driver and at least one application program; paragraph 0020 of Chang] to be executed at the second portable computer system [paragraph 0047 of Chang and col. 1, lines 30 – 43 of Keskar].

10. As to claim 70, Chang as modified teaches a portable computer system [paragraphs 0009 and 0019 of Chang] comprising:

means for storing demarked files, the demarked files being demarked by a first user [paragraphs 0075 and 0020 of Chang] and being available for downloading [col. 13, lines 20 – 55 of Keskar] to a second portable computer system by a second user [paragraphs 0019 and 0020 of Chang], and means for automatically transferring [paragraph 0047 of Chang], to the second portable computer system, summary information with respect to the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the second portable computer system is within a communication range of

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the portable computer system according to a communication protocol [col. 12, lines 6 – 25 of Keskar], said summary information consisting of descriptive information associated with said demarked files, the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar];

means for downloading selected ones of the demarked files to the second portable computer system in response to receiving a download request from the second portable computer system [paragraphs 0089 and 0031 of Chang and col. 13, lines 40 – 55 of Keskar]; and

wherein at least one of the selected ones of the demarked files to be downloaded by the means for downloading selected ones of the demarked files are executable files [database 12 stores at least one wireless communication protocol, at least one driver and at least one application program; paragraph 0020 of Chang] to be executed at the second portable computer system [paragraph 0047 of Chang and col. 1, lines 30 – 43 of Keskar].

11. As to claim 77, Chang as modified teaches a method of distributing application software between computer systems [paragraphs 0009 and 0019 of Chang], the method comprising:

demarking files on a first computer system by a first user [paragraphs 0075 and 0020 of Chang], the demarking indicating that the demarked files are available for downloading [col. 13, lines 20 – 55 of Keskar] from the first computer system [paragraph 0059 of Chang], wherein the demarked files are executable files [database 12 stores at

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least one wireless communication protocol, at least one driver and at least one application program; paragraph 0020 of Chang];

automatically transferring [paragraph 0047 of Chang], from the first computer system to the second portable computer system, descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files [col. 13, line 55 – col. 14, line 13 of Keskar] when the first computer system enters into communication with the second computer system [paragraphs 0089 and 0031 of Chang and col. 12, lines 6 – 25 of Keskar];

displaying at least a portion of the transferred summary information at the second portable computer system [recipient is prompted for guidance; col. 13, lines 50 – 55 of Keskar];

selecting, via a user interface [user interface 220; col. 4, lines 57 – 67 of Keskar], at least a subset of the demarked tiles from the displayed portion of the transferred summary information at the second portable computer system [allowing the recipient to have the option to manually reject the item or accept the item; col. 13, lines 50 – 55 of Keskar];

receiving, at the second portable computer system, a download of the selected ones of the demarked files from the first portable computer system in response to the selecting via the user interface at the second portable computer system [col. 13, lines 50 – 55 of Keskar]; and

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wherein at least some of the selected ones of the demarked files are executable files to be executed at the second portable computer system [col. 1, lines 30 – 43 of Keskar].

12. As to claim 47, Chang as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

13. As to claim 48, Chang as modified teaches the wireless communication protocol includes infrared light signaling [paragraph 0019 of Chang and col. 12, lines 5 – 25 of Keskar].

14. As to claim 49, Chang as modified teaches communications between the first portable computer system and the second portable computer system are direct [col. 12, lines 5 – 42 of Keskar].

15. As to claim 51, Chang as modified teaches the selecting via the user interface further comprises touching an area of a display screen of the second portable computer system [user interface 220; col. 4, lines 57 – 67 of Keskar].

16. As to claim 54, Chang as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [col. 14, lines 13 – 52 of Keskar].

17. As to claim 56, Chang as modified teaches the communication protocol is a wireless communication protocol [col. 12, lines 5 – 25 of Keskar].

18. As to claim 57, Chang as modified teaches the wireless communication protocol includes infrared light signaling [paragraph 0019 of Chang and col. 12, lines 5 – 25 of Keskar].

19. As to claim 58, Chang as modified teaches the portable computer system is configured to communicate directly with the second portable computer system [paragraph 0019 of Chang and col. 12, lines 5 – 42 of Keskar].

20. As to claim 61, Chang as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [col. 14, lines 13 – 52 of Keskar].

21. As to claim 71, Chang as modified teaches the communication protocol is a wireless communication protocol [paragraph 0019 of Chang and col. 12, lines 5 – 25 of Keskar].

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22. As to claim 72, Chang as modified teaches the wireless communication protocol includes infrared light signaling [paragraph 0019 of Chang and col. 12, lines 5 – 25 of Keskar].

23. As to claim 73, Chang as modified teaches means for communicating directly with the second portable computer system [col. 12, lines 5 – 42 of Keskar].

24. As to claim 76, Chang as modified teaches executable files include one or more application files that have limited functionality or limited time of use [col. 14, lines 13 – 52 of Keskar].

25. As to claim 78, Chang as modified teaches the first and second computer systems enter into communication automatically when they are positioned within a communication range [col. 12, lines 5 – 25 of Keskar].

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LI B. ZHEN whose telephone number is (571)272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sub Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194